

U.S. DISTRICT JUDGE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

BILLY JOE MCCLANAHAN,	)	
	)	CIVIL NO. 3:19-cv-05446-BHS
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
COMMISSIONER OF SOCIAL SECURITY,	)	
	)	
Defendant	)	
	)	

This matter comes before the Court on the Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on February 20, 2020 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having thoroughly considered the Plaintiff's motion and the relevant record, the Court  
2 hereby GRANTS the motion and awards Plaintiff \$6,027.84 in attorney's fees, subject to any offset  
3 allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010).  
4 Payment of EAJA fees shall be sent to Plaintiff's attorney: David Oliver & Associates, 2608 South  
5 48<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's  
6 attorneys, David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to  
7 the Government through the Federal Treasury Offset program.

8 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

9 DATED this 22nd day of May, 2020.

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BENJAMIN H. SETTLE

United States District Judge

Presented by:

S/David P. OLIVER  
David P. Oliver,  
Attorney for Plaintiff